

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KELLEY CUNNINGHAM and TAMMYE	:	
CUNNINGHAM, JOHN PATRICK CONFAR,	:	
MICHAEL SNYDER, GREGORY BROUSSEAU	:	
and ROBERT SCHWAB Individually and	:	
on Behalf of all Other Persons Similarly Situated,	:	
	:	
Plaintiffs,	:	Case No. 06-cv-03530 (RJH)
	:	
-against-	:	
	:	
ELECTRONIC DATA SYSTEMS	:	
CORPORATION.,	:	
	:	
Defendant.	:	
-----X		
	:	
BRIAN STEAVENS, TAMURA L. GOLDBERG,	:	
DANIEL HEIN, and ROD DELUHERY,	:	
Individually and on Behalf of All Other Persons	:	
Similarly Situated,	:	
	:	
Plaintiffs,	:	Case No. 08-cv-10409 (RJH)
	:	
-against-	:	
	:	
ELECTRONIC DATA SYSTEMS	:	
CORPORATION,	:	
	:	
Defendant.	:	
-----X		

**DECLARATION OF SETH R. LESSER IN SUPPORT
OF PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION,
COURT-AUTHORIZED NOTICE AND OTHER RELIEF PURSUANT TO
SECTION 16(B) OF THE FAIR LABOR STANDARDS ACT**

I, Seth R. Lesser, declare as follows:

1. I am a member of the bar of this Court, as well as a number of other federal courts, and am a member of Klafter Olsen & Lesser LLP, with offices in Rye Brook,

New York, Haddonfield, New Jersey, and Washington, D.C.

2. I submit this declaration in support of Plaintiffs' Motion for Conditional Certification, Court-Authorized Notice and Other Relief Pursuant to Section 16(b) of the Fair Labor Standards Act, and to put before the Court documents relevant to the motion.

3. Attached as Exhibit 1 hereto is a true and correct copy of the deposition of Michael Evans, taken in these actions on January 26, 2010.

4. Attached as Exhibit 2 hereto is a true and correct copy of portions of the deposition of Rick Ahlberg, taken in these actions on July 29, 2009.

5. Attached as Exhibit 3 hereto is a true and correct copy of portions of the deposition of Paul Barrix taken in these actions on October 7, 2009.

6. Attached as Exhibit 4 hereto is a true and correct copy of portions of the deposition of James Brignola, taken in these actions on September 23, 2009.

7. Attached as Exhibit 5 hereto is a true and correct copy of the deposition of Gregory Brousseau, taken in this actions on August 12, 2009

8. Attached as Exhibit 6 hereto is a true and correct copy of the deposition of Patrick Brown, taken in these actions on January 6, 2010.

9. Attached as Exhibit 7 hereto is a true and correct copy of portions of the deposition Leslie Char, taken in these actions on March 12, 2010.

10. Attached as Exhibit 8 hereto is a true and correct copy of portions of the deposition of John Confar, taken in these actions on October 30, 2009.

11. Attached as Exhibit 9 hereto is a true and correct copy of portions of the deposition of Edward Conklin, taken in these actions on October 13, 2009__.

12. Attached as Exhibit 10 hereto is a true and correct copy of portions of the

deposition of Rod Deluhery, taken in these actions on December 8, 2009.

13. Attached as Exhibit 11 hereto is a true and correct copy of portions of the deposition of Dennis Duley, taken in these actions on October 12, 2009.

14. Attached as Exhibit 12 hereto is a true and correct copy of portions of the deposition of Milton Douglas Fugitt, taken in these actions on October 5, 2009.

15. Attached as Exhibit 13 hereto is a true and correct copy of portions of the deposition of Donna Geary, taken in these actions on June 11, 2009.

16. Attached as Exhibit 14 hereto is a true and correct copy of portions of the deposition of Tamura Goldberg, taken in these actions on August 14, 2009.

17. Attached as Exhibit 15 hereto is a true and correct copy of portions of the deposition of Ahmad Habbal, taken in these actions on November 10, 2009.

18. Attached as Exhibit 16 hereto is a true and correct copy of portions of the deposition of Mary Ham, taken in these actions on September 15, 2009.

19. Attached as Exhibit 17 hereto is a true and correct copy of portions of the deposition of Daniel Hein, taken in these actions on July 28, 2009.

20. Attached as Exhibit 18 hereto is a true and correct copy of portions of the deposition of Hugo Hernandez, taken in these actions on December 9, 2009.

21. Attached as Exhibit 19 hereto is a true and correct copy of portions of the deposition of Jennifer Hightower, taken in these actions on September 17, 2009.

22. Attached as Exhibit 20 hereto is a true and correct copy of portions of the deposition of James McCann, taken in these actions on January 7, 2010.

23. Attached as Exhibit 21 hereto is a true and correct copy of portions of the deposition of Steven Merritt, taken in these actions on June 8, 2009.

24. Attached as Exhibit 22 hereto is a true and correct copy of portions of the deposition of John Pedrie, taken in these actions on August 28, 2009.

25. Attached as Exhibit 23 hereto is a true and correct copy of portions of the deposition of Lawrence Pilon, taken in these actions on November 9, 2009.

26. Attached as Exhibit 24 hereto is a true and correct copy of portions of the deposition of Robert Sanetz, taken in these actions on September 29, 2009.

27. Attached as Exhibit 25 hereto is a true and correct copy of portions of the deposition of Robert Schwab, taken in these actions on September 21, 2009.

28. Attached as Exhibit 26 hereto is a true and correct copy of portions of the deposition of Brian Steavens, taken in these actions on August 13, 2009

29. Attached as Exhibit 27 hereto is a true and correct copy of a document, Bates numbered EDS1-13, produced by the defendant in this action.¹

30. Attached as Exhibit 28 hereto is a true and correct copy of a document, Bates numbered EDS262-272, produced by the defendant in this action.

31. Attached as Exhibit 29 hereto is a true and correct copy of a document, Bates numbered EDS377-390, produced by the defendant in this action.

32. Attached as Exhibit 30 hereto is a true and correct copy of a document, Bates numbered EDS757-766, produced by the defendant in this action.

33. Attached as Exhibit 31 hereto is a true and correct copy of a document, Bates numbered EDS883-894, produced by the defendant in this action.

¹ Each of the documents referenced in the following paragraphs has as its full Bates prefix "EDS (PLAINTIFFS GROUP)" and seven digit Bates number. For convenience sake, both in this declaration and Plaintiffs' memorandum in support of the present motion, this is shortened to just the prefix "EDS" with the leading zeros in the Bates number deleted.

34. Attached as Exhibit 32 hereto is a true and correct copy of a document, Bates numbered EDS1161-1172, produced by the defendant in this action.

35. Attached as Exhibit 33 hereto is a true and correct copy of a document, Bates numbered EDS3799-3903, produced by the defendant in this action.

36. Attached as Exhibit 34 hereto is a true and correct copy of a document, Bates numbered EDS3908-3982, produced by the defendant in this action.

37. Attached as Exhibit 35 hereto is a true and correct copy of a document, Bates numbered EDS4038-4050, produced by the defendant in this action.

38. Attached as Exhibit 36 hereto is a true and correct copy of a document, Bates numbered EDS5599-5603, produced by the defendant in this action.

39. Attached as Exhibit 37 hereto is a true and correct copy of a document, Bates numbered EDS5606-5624, produced by the defendant in this action.

40. Attached as Exhibit 38 hereto is a true and correct copy of a document, Bates numbered EDS5836-5837, produced by the defendant in this action.

41. Attached as Exhibit 39 hereto is a true and correct copy of a document, Bates numbered EDS5910-5913, produced by the defendant in this action.

42. Attached as Exhibit 40 hereto is a true and correct copy of a document, Bates numbered EDS7020-7033, produced by the defendant in this action.

43. Attached as Exhibit 41 hereto is a true and correct copy of a document, Bates numbered EDS7034-7040, produced by the defendant in this action.

44. Attached as Exhibit 42 hereto is a true and correct copy of a document, Bates numbered EDS7041-7048, produced by the defendant in this action.

45. Attached as Exhibit 43 hereto is a true and correct copy of a document, Bates

numbered EDS7049-7058, produced by the defendant in this action.

46. Attached as Exhibit 44 hereto is a true and correct copy of a document, Bates numbered EDS9685-9692 (order fixed to follow cover email), produced by the defendant in this action.

47. Attached as Exhibit 45 hereto is a true and correct copy of a document, Bates numbered EDS9842-9852, produced by the defendant in this action.

48. Attached as Exhibit 46 hereto is a true and correct copy of a document, Bates numbered EDS15308, produced by the defendant in this action.

49. Attached as Exhibit 47 hereto is a true and correct copy of a document, Bates numbered EDS15873, produced by the defendant in this action.

50. Attached as Exhibit 48 is Plaintiffs' proposed form of notice and proposed form of consent. These are modeled upon and consistent with those that our firm has had approved and ordered in other FLSA collective actions, copies of which can be provided to the Court upon request.

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 7, 2010

/s/ Seth R. Lesser

Seth R. Lesser